

Application: 10/671,051
First Inventor: Atherton
Filing date: September 24, 2003
Attorney Docket: FSP0035

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REMARKS

The Office Action dated November 1, 2004 rejects claims 1-6 as unpatentable under 35 USC 103(a) over applicant's Fig. 1-2 in view of Tipton ('882) and either Cook ('987) or Schiefer ('859).

Claim 1

Modifying the applicant's Fig. 1-2 in view of Tipton would result in a design having two retaining screws per finger on the distal side of the finger rod (e.g. closer to the outer edge of the lockout 100). See Tipton, Fig. 5. This would leave little or no leeway to alter the profile of the outer edge of the lockout 100.

Neither Cook nor Schiefer teach or suggest indents in the posts to receive bolts to retain the lockout to a clutch boss. Combining Cook or Schiefer with Tipton in view of Fig. 1-2 would result in a design having two retaining screws per finger, on the distal (outer) side of the finger pins, and having posts with no indents.

Furthermore, I disagree with the Office's general statement that indents in the posts are obvious in light of some general knowledge that recesses may be used in other applications to permit closer positioning of fasteners. There mere existence of a cover having recesses to accommodate fasteners does not provide sufficient teachings to render obvious a novel application of indentations in retaining posts of a lockout. The novel feature of indentations in the retaining posts of a clutch lockout is missing from any of the recited prior art, and hence the rejection under 103(a) cannot stand.

I further disagree that there is motivation to combine Cook or Schiefer with Tipton. Accepting, arguendo, that Cook or Schiefer would suggest using indents to position the finger retaining screws closer together, the result would be the design of Tipton having holes 112 with indents that are closer together on the distal side of the finger rod. Positioning the holes 112 of Tipton closer together in this manner would appear to serve no substantially useful purpose. Certainly, there would be no suggestion from such a combination to provide indents in the lockout retainer posts 90 of Tipton.

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Claims 2-3, 6

Claim 2, from which claims 3 and 6 depend, recites

"at least one edge formed to create lips around the slots, the lips having a width narrower than the diameter of countersinks of the retaining screw holes".

None of the cited references teaches or even suggests lips around the slots, the lips having a width narrower than the diameter of countersinks of the retaining screw holes. These claims are clearly not rendered obvious by the cited prior art, and should be allowed.

Regarding claim 3, none of the references teach the lockout having an edge (e.g. edge 406) formed to create the lips. Regarding claim 6, none of the references teach the lockout having two edges (e.g. edges 406, 408) forming lips with portions having different widths.

Conclusion

For at least the reasons cited herein, all of the claims are distinguished over the prior art of record. Please allow all claims to issue.

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